

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

JEFFREY DEWAYNE NOIEL

PLAINTIFF

VS.

Case No. 06-CV-4031

JACK JONES, Parole Officer; A. L.
LOCKHART, Director, Arkansas Department
of Corrections; MARTY NODURTH

DEFENDANTS

ORDER

Before the Court is the Report and Recommendation filed June 2, 2006 by the Honorable Bobby E. Shepherd, United States Magistrate Judge for the Western District of Arkansas. (Doc. 6) Judge Shepherd recommends Plaintiff's case brought pursuant to 28 U.S.C. § 2254 be dismissed because he is not "in custody" for purposes of the habeas corpus statute. Plaintiff has not filed objections to the Report and Recommendation. Therefore, the Court adopts the Report and Recommendation *in toto*. The Court finds Plaintiff's complaint should be and hereby is dismissed with prejudice.

IT IS SO ORDERED, this 20th day of June, 2006.

/s/ Harry F. Barnes
Hon. Harry F. Barnes
U.S. District Court